

See  
attached22  
1/2/01  
JPUNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,

Plaintiff

v.

ROBERT W. MEYERS,  
ROBERT S. BITNER,  
DAVID J. WAKEFIELD,  
TERRY L. WHITMAN,  
JACK ALLAR,  
LARRY LIDGETT,  
LT. DECKER,  
MAJOR YANCY and  
JEFFREY A. RACKOVAN,  
Defendants

CIVIL NO. 1:CV-00-0895

(Magistrate Judge Smyser)

FILED  
HARRISBURG

DEC 29 2000

ORDERMARY E. D'ANDREA, CLERK  
Per RW  
DEPUTY CLERK

The plaintiff, a prisoner proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint on May 18, 2000. On July 6, 2000, the plaintiff filed a supplemental complaint.

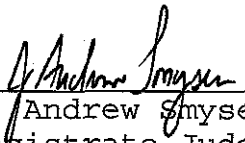
The parties consented to proceed before a magistrate judge, and on July 14, 2000, this case was reassigned to the undersigned magistrate judge.

On July 31, 2000, the defendants filed an answer to the complaint and supplemental complaint.

On December 27, 2000, the plaintiff filed a document entitled "Supplement to the Complaint." Pursuant to Fed.R.Civ.P. 15(d), the plaintiff must file a motion for leave to file a supplemental complaint before he may file a supplemental complaint.

We note that on July 6, 2000, the plaintiff already filed one supplemental complaint without first seeking leave of court to do so. The defendants answered that supplemental complaint without objection. Thus, there is no need to strike that supplemental complaint from the record. However, the plaintiff may not continue to file supplemental complaints without first seeking leave of court to do so. We will strike the plaintiff's most recent supplemental complaint from the record without prejudice to the plaintiff filing a motion with a brief in support for leave to file another supplemental complaint.

AND NOW, this 29<sup>th</sup> day of December, 2000, IT IS HEREBY  
ORDERED that the plaintiff's second supplemental complaint  
(doc. 20) is STRICKEN FROM THE RECORD.

  
\_\_\_\_\_  
J. Andrew Smyser  
Magistrate Judge

DATED: December 29, 2000.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

December 29, 2000

Re: 1:00-cv-00895 Montague v. Meyers

True and correct copies of the attached were mailed by the clerk  
to the following:

Terrance Montague  
SCI-R  
SCI at Rockview  
BZ-2761  
P.O. Box A  
Bellefonte, PA 16823

Gregory R. Neuhauser, Esq.  
Office of Attorney General  
Strawberry Square  
15th Floor  
Harrisburg, Pa 17120

cc:

Judge	( )	
Magistrate Judge	( )	
U.S. Marshal	( )	
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other _____	( )	

MARY E. D'ANDREA, Clerk

DATE: December 29, 2000

BY: *Patricia Wynn*  
Deputy Clerk